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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/830,201	04/21/2004	David I. Poisner	42P12974C	9029
8791 7590 04/01/2008 BLAKELY SOKOLOFF TAYLOR & ZAFMAN 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040			EXAMINER PHAN, THANH S	
			ART UNIT 2833	PAPER NUMBER
			MAIL DATE 04/01/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/830,201	Applicant(s) POISNER, DAVID	
	Examiner Thanh S. Phan	Art Unit 2833	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23, 29-35 and 41-62 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 30-35 and 41-62 is/are rejected.
- 7) ☒ Claim(s) 23, 29 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date, ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

Claims 23 and 29 objected to because they depending upon cancelled claims 21 and 27 respectively. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 35, 42, 46, 56 and 62 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims recite a "C1 power state", which is an industry standard. Since the industry standards are subject to change and/or revision over a period of time, the recitation of the industry standard in a claim, makes the claim vague and indefinite.

Claim Rejections - 35 USC § 102

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 30-35 and 41-62 are rejected under 35 U.S.C. 102(b) as being anticipated by Dunstan [US 5,714,870].

Regarding claims 30 and 43, Dunstan discloses an apparatus [column 9, line 27] comprising an operating system [figure 3] to request a chip [column 9, line 30-31] to start a time counter prior to entering a reduced power consumption state [column 9, line 27-29]; and the chip to start the time counter [column 9, line 37-39].

Regarding claims 31, 32 and 44, Dunstan discloses wherein the operating system further operates to request the chip to halt the time counter [column 9, lines 33-34].

Regarding claim 33, Dunstan discloses wherein the time counter comprises a reduced power consumption state duration [column 9, lines 28-29].

Regarding claims 34 and 47, Dunstan discloses wherein the chip is a personal computer chipset [column 3, lines 6-7].

Regarding claims 35, 42, 46, 56 and 62, Dunstan discloses the claimed invention except for the reduced power consumption state is a C1 power state. The claims recite C1 power state, which is an industry standard. Since the industry standards are subject to change and/or revision over a period of time, the recitation of the industry standard in a claim, makes the claim vague and indefinite. Therefore this limitation is not given patentable weight.

Regarding claim 41, Dunstan discloses an apparatus [column 9, line 27] comprising means for starting a time counter [column 9, lines 37-39]; means for entering a reduced power consumption state [column 9, lines 28-29]; means for halting the time counter prior to an execution of an interrupt routine [column 9, lines 33-34]; and means for exiting the reduced power consumption state [column 9, line 34].

Regarding claim 45, Dunstan discloses an apparatus [column 9, line 27] comprising means [column 9, line 31] for storing a time of entering a reduced power consumption state in a chip [column 9, line 34]; means [column 9, line 31] for storing a time of exiting the reduced power consumption state in a chip prior to an execution of an

interrupt routine [column 9, line 34]; and means [column 9, lines 37-38] for automatically calculating a reduced power consumption state duration.

Regarding claim 48, Dunstan discloses wherein both means for storing are located in a chipset [column 9, line 31].

Regarding claims 49-55 and 57-61, the method steps are inherent to the apparatus structures as disclosed above.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Aoyama [US 6,763,471]; Fujita et al. [US 2002/0095494]; Sakabe [US 5,691,948]; Maher et al. [US 6,343,363].


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh S. Phan whose telephone number is 571-272-2109. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula Bradley can be reached on 571-272-2800 ext 33. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2833

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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